

United States District Court
For the Northern District of Illinois, Eastern Division

_____)	Complaint
MichaelAmy, Inc.,)	
)	
a Wisconsin corporation,)	Jury Requested
)	
Plaintiff,)	
)	
v.)	
)	
NIC Industries, Inc.,)	
)	
an Oregon corporation,)	
)	
Defendant.)	
_____)	

Plaintiff, MichaelAmy, Inc., a Wisconsin corporation with principle place of business at 3601 129th St., Chippewa Falls, Wisconsin 54729, (herein "MICHAELAMY"), through its attorney, hereby alleges for in its Complaint as follows:

Nature of the Action

1. This action seeks permanent injunctive relief, monetary relief, costs and attorneys' fees based on Defendant's (Count One) Federal trademark infringement, unfair competition and Designation of Origin in violation of Section 43(a) of the Lanham Act, 15 U.S.C. Section 1125(a); (Count Two) False Advertising in violation of Section 43(a) of the Lanham Act, 15 U.S.C. Section 1125(a); (Count Three) Federal Counterfeiting in violation of Section 32(1)(a) of the Lanham Act, 15 U.S.C. 1114(1)(a); (Count Four) False Designation in Interstate Commerce in violation of Section 43(a) of the Lanham Act, 15 U.S.C. Section 1125(a) ; (Count Five) State Deceptive Trade Practices in violation of Illinois Uniform Deceptive Trade Practices Act, 815 ILCS 510 et seq. and (Count Six) Unfair Competition by Infringement of Common-Law Rights.

Parties. Jurisdiction and Venue

2. Plaintiff, MichaelAmy, Inc. is a Wisconsin corporation with principal place of business at 3601 129th St., Chippewa Falls, Wisconsin 54729.

3. Upon information and belief, Defendant, NIC Industries, Inc. (herein "NIC") is an Oregon corporation with its principal place of business 7050 Sixth Street, White City, Oregon 97503.

4. This Court has original federal question jurisdiction over this action under 15 U.S.C. Section 1116 and 1121 and 28 U.S.C. Sections 1331, 1332, and 1338 in that this case arises under the Trademark Laws of the United States, 15 U.S.C.A. Section 1051 et seq. and supplemental jurisdiction over this action under 28 U.S.C. Section 1367. This Court has jurisdiction over this action in that Plaintiff is incorporated under the laws of the State of Wisconsin having its principal place of business in Wisconsin and Defendant is a corporation incorporated under the laws of the State of Oregon having its principal place of business in the State of Oregon. The matter in controversy exceeds, exclusive of interest and costs, the sum of seventy five thousand dollars. The Court has jurisdiction of the unfair competition claims herein under the provisions of 28 U.S.C.A. § 1338(b) in that said claims are joined with a substantial and related claim under the Trademark Laws of the United States, 15 U.S.C.A. §§ 1051 et seq.

5. Venue is proper in this District pursuant to 28 U.S.C. Section 1391(b) (2) because a substantial part of the events giving rise to this action occurred in the Northern District of Illinois, Eastern Division.

General Allegations

A. MICHAELAMY's trademark rights